

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KELLY DRUMM,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,¹

Defendant.

CIVIL ACTION
NO. 16-3653

ORDER

AND NOW, this 8th day of May, 2018, upon careful consideration of the Report and Recommendation filed by United States Magistrate Judge Elizabeth T. Hey recommending remand for further consideration (ECF No. 13), and given that neither Drumm nor the Commissioner have objected to the report, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;²
2. Plaintiff's Request for Review (ECF No. 3) is **GRANTED**, and the matter is **REMANDED** in accordance with the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation; and,

¹ Nancy A. Berryhill became the Acting Commissioner for Social Security on January 23, 2017. Pursuant to Federal Rule of Civil Procedure 25(d), Berryhill should be substituted for the former Acting Commissioner, Carolyn W. Colvin, as the defendant in this action.

² When no objection is made to a Report and Recommendation, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; *see also Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998). No clear error appears on the face of the record and the Court accordingly accepts Judge Hey's Recommendation.

3. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.